
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 159

The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019

PART 2
OFFENCES

Offences committed by bodies corporate, partnerships and unincorporated associations

8.—(1) For the purposes of this Order—

- (a) section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited”;
- (b) section 20(3) of that Act does not apply; and
- (c) where the affairs of a body corporate are managed by its members, section 20(2) of the Act applies in relation to the acts or defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.

(2) Where any offence under this Order committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on the partner’s part,

the partner as well as the partnership commits the offence and is liable to be proceeded against and punished accordingly.

(3) For the purposes of paragraph (2), “partner” includes a person purporting to act as a partner.

(4) Where any offence under this Order committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the association commits the offence and is liable to be proceeded against and punished accordingly.

(5) For the purpose of proceedings under paragraphs (2) or (4)—

- (a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate; and
- (b) the provisions of section 18 (procedure on charge) of the Criminal Justice Act (Northern Ireland) 1945(1) and Article 166 (corporations) of, and Schedule 4 to, the Magistrates’

Courts (Northern Ireland) Order 1981(2) apply as they apply in relation to a body corporate.

(6) A fine imposed on a partnership or an unincorporated association on its conviction for an offence under this Part may be made payable out of the funds of the partnership or the association.